

**ORDINANCE NO. 5303
(RECONSIDERED AND AMENDED MAY 13, 2014)**

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING SECTION 9-601 OF THE FREMONT MUNICIPAL CODE; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RULES AND REGULATIONS REGULATING AND GOVERNING THE ERECTION, INSTALLATION, ALTERATION, REPAIR, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ANY HEATING, VENTILATING, COOLING, REFRIGERATION SYSTEMS, INCINERATORS OR OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES WITHIN OR ADJACENT TO ANY BUILDING, STRUCTURE OR CONVEYANCE WITHIN AND INCLUDING THE AREA OF JURISDICTION OF THE CITY OF FREMONT, NEBRASKA; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 5231 AND ALL OTHER CONFLICTING ORDINANCES; AND PRESCRIBING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA:

SECTION I. That the Uniform Mechanical Code, being particularly the 2012 Edition, thereof be amended as follows:

CHAPTER 1 Table 1-1 - MECHANICAL PERMIT FEES - Amend as follows:

MECHANICAL PERMIT FEES

For Issuing of Each Permit	\$ 12.00
For Issuing of Each Supplemental Permit	\$ 12.00

IN ADDITION:

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 btu/h	\$ 16.00
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 btu/h	\$ 21.00
For the installation or relocation of each floor furnace, including vent	\$ 16.00
For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	\$ 16.00
For the installation, relocation, replacement of each appliance vent installed and not included in an appliance	\$ 8.00
For the repair of, alteration of or addition to each heating appliance, refrigeration unit, cooling unit, absorption each heating, cooling, absorption, or evaporative cooling system, including installation or controls regulated by code	\$ 16.00
For the installation or relocation of each boiler or compressor to and including three (3) horsepower, or each absorption system to and including 100,000 btu/h	\$ 16.00
For the installation or relocation of each boiler or compressor over three (3) horsepower to and including 15 horsepower, or each absorption system over 100,000 btu/h and including 500,000 btu/h	\$ 30.00
For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower each absorption system over 500,000 btu/h to and including 1,000,000 btu/h	\$ 41.00
For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower for each absorption system over 1,000,000 btu/h to and including 1,750,000 btu/h	\$ 62.00
For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 btu/h	\$ 104.00
For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	\$ 13.00

The above fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling evaporative cooler or absorption unit for which a permit is required elsewhere in the code.

For each air-handling unit over 10,000 cfm	\$ 21.00
For each evaporative cooler other than portable type	\$ 13.00
For each ventilation fan connected to a single duct	\$ 8.00
For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$ 13.00
For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	\$ 13.00
For the installation or relocation of each domestic-type incinerator	\$ 22.00
For the installation or relocation of each commercial or industrial-type incinerator	\$ 44.00
For each appliance or piece of equipment regulated by this code but not classed in other appliance categories which no other fee is listed in this code	\$ 13.00
For each fireplace (including venting system)	\$ 16.00
For each water heater	\$ 9.00
For each gas piping system (4 or less outlets)	\$ 9.00
For each gas piping system (5 or more outlets)	\$ 3.00/ea.

OTHER INSPECTION FEES:

Inspections outside of normal business hours (1 1/2 hrs. minimum)	\$ 35.00
Reinspection fee assessed under provisions of Section 305(f)	\$ 25.00
Additional plan review required by changes, additions or revisions to approved plans	\$ 15.00/hr.

INVESTIGATION FEE: WORK WITHOUT A PERMIT

1. INVESTIGATION. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. FEE. If the work was commenced when City offices were closed and the permit application is made by 10:00 a.m. the first working day City offices are open, the investigation fee shall be zero dollars. The investigation fee in all other cases shall be equal to the permit fee, unless work has progressed beyond the point for which there is a required inspection. In this case, the investigation fee shall be a minimum of One Hundred Dollars (\$100.00) or the permit fee, whichever is greater. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

CHAPTER 5

Section 506.1 Delete Exception (3)
Section 506.2 Delete Exception (2)
Section 510.8.3.1 (A) Exception (6)

Upon approval of the City Council, the exhaust from any hood serving commercial food heat-processing equipment may terminate at/or across the property line adjoining a public way if the air is discharged away from neighboring buildings and is at least 10 feet from the air intake of the same or contiguous buildings.

CHAPTER 9

Section 924.1.1 Delete Exception (1) and (2)

Chapter 10

Section 1006.1 – Add: **SECTION 504.7** – Add: Temperature and Relief Valve down tube piping shall be copper or metal piping with an inside diameter of the piping no less than the T&P valve. No threads after the initial connection to the T and P valve

CHAPTER 13 FUEL GAS PIPING

Section 1308.2 – Provision for location of point of Delivery. Add to the end of the last sentence: “and extend 6 inches beyond the exterior surface of the structure. Gas piping shall be sleeved with plastic pipe or an approved inert material when it passes through any exterior wall or any interior concrete or masonry wall. The interior space between the gas piping and the sleeve shall be sealed at the wall to prevent the entry of water, insects or rodents.”

Section 1308.0 GAS PIPING SYSTEM DESIGN, MATERIALS AND COMPONENTS

Section 1309.5.2.3 – Delete entirely

Section 1309.5.2.4 – Delete entirely

Section 1309.5.3 – Delete entirely

Section 1309.5.3.1 – Delete entirely

Section 1309.5.3.2 – Delete entirely

Section 1309.5.3.3 – Delete entirely

Section 1308.5.3.4 – Amend as follows: Corrugated stainless steel tubing shall be tested and listed in compliance with the construction, installation, and performance requirements of INS LC-1 Standard for Fuel Gas Piping Systems using Corrugated Stainless Steel Tubing. Corrugated stainless steel tubing that requires additional bonding shall be inspected and certified by an Electrical Engineer licensed with the State of Nebraska with a copy of the certification provided to the City of Fremont Inspection Department. Only corrugated stainless steel tubing that has a metal shield that dissipates electricity and heat and requires no additional manufacturer bonding is allowed. [NFFA 54.5.6.3.4]

Section 1308.5.4 – Plastic pipe, tubing and fittings amend to read as follows: Only Drisco High Density PE plastic pipe, tubing and fittings shall be used outside underground only and shall conform with ASTM D2513, standard specification for thermoplastic gas pressure pipe, tubing and fittings. Pipe to be used shall be marked “gas” and “ASTM D2513”. Anodeless risers shall comply with the following

Section 1308.5.10.2 – Tubing Joints – Delete entirely

Section 1308.10.3 – Flared Joints – Delete entirely

Section 1308.5.11 thru 1305.5.11.4 Delete entirely

Section 1311.1.7 – Plastic Pipe (A) Delete exception (2)

Section 1311.3.1 – Connections amend to read as follows: Where gas piping is to be concealed, unions, tubing fittings, right and left couplings, bushings, swing joints and compression couplings made by combinations of fittings shall not be used.

Section 1311.11 thru 1311.12.6 – Delete entirely

Section 1311.12 thru 1311.13.6 – Delete entirely

Section 1316.9 – Amend to read as follows: The test pressure to be shall be no less than 30 pounds per square inch gauge pressure for threaded piping, and 60 pounds per square inch gauge pressure for welding piping, for a minimum of 30 minutes.

Section 1330.1 Metal – Amend 1st sentence of 2nd paragraph to read as follows: Standard wrought iron or steel black pipe (Schedule 40) shall be permitted to be used.

SECTION II. FLU VENTING AND GAS METERS. Additional Flue venting notes: Any alteration to an existing appliance venting system into a brick, concrete, or other unlined chimney shall be lined with an approved lining system at the time of the alteration is being completed.

Gas meters and regulators shall be located three (3') from sources of ignition.

SECTION III. INSTALLATION BY OWNER. Any homeowner may install heating or air conditioning equipment only in a single family residence which he occupies as his own home. The owner shall own both the single-family residence and the land/property that the residence is placed upon. The inspector shall have final determination of this rule. All equipment installed by an owner shall be for himself without compensation or pay from or to any other person for such labor or installation. Such installation by an owner shall comply with the requirements of this code and the owner, in exercising this privilege, shall not set himself up as a Master Mechanical. The owner shall be required to file plans, apply for and secure a permit, pay fees and call for all inspections.

SECTION IV. DEFINITIONS, LICENSING AND ADMINISTRATIVE. DEFINITIONS: Unless context otherwise requires, the following definitions shall apply:

a) BOARD shall mean the Building Code Advisory and Appeals Board of the City of Fremont, Dodge County, Nebraska.

b) MECHANICAL MASTER shall mean a person engaged in the business of mechanical contracting and having the qualifications, training, experience, and technical knowledge to properly plan, layout, install, and/or supervise the installation, repair, replacement, and fitting of any mechanical system, as regulated by this code, and is licensed as such by the City of Fremont.

c) MECHANICAL TRADESMAN shall mean a person having the necessary qualifications, training, experience, and technical knowledge to install, manufacture, replace, repair, or fit any mechanical system regulated by this code, and is licensed as such by the City of Fremont.

d) MECHANICAL APPRENTICE shall mean a person engaged in learning and assisting in the installation, manufacturing, replacement, repairing, or fitting any mechanical system regulated by this code, and is licensed as such by the City of Fremont

e) MASTER STEAMFITTER shall mean a person having the necessary qualifications, training, experience and technical knowledge to install, repair or replace any hot water boiler system, intended for the production of heat for a household, commercial or industrial use, and is licensed as such by the City of Fremont, through acceptance of Omaha, Nebraska's license for a Master Steamfitter.

f) JOURNEYMAN STEAMFITTER/PIPEFITTER shall mean a person having the necessary qualifications, training, experience, and technical knowledge to install, manufacture, replace, repair or fit any high pressure or

boiler piping equipment and is licensed as such by the City of Fremont, through acceptance of Omaha, Nebraska's license for a Journeyman Steamfitter/Pipefitter.

g) LICENSE FEES - License and Examination Fees:		
Mechanical Master's or Master Steamfitter License Fee		\$75.00
Mechanical Master's Examination Fee		\$50.00
Mechanical Tradesman License Fee		\$15.00
Journeyman Steamfitter/Pipefitter		\$15.00
Mechanical Tradesman Examination Fee		\$30.00
Apprentice License Fee		\$ 5.00

Any person dealing in mechanical materials or supplies, but not engaged in the installing, altering, repairing, replacing, or remodeling of a mechanical system shall not be required to license hereunder.

Nothing in this chapter shall be construed to require an employee, working for a single employer as part of such employer's full-time staff and not holding himself out to the public for hire, to hold a license while acting within the scope of his employment. All work performed by such employees would be subject to the issuance of permits, payment of fees, and inspections, as if performed by a licensed master and shall comply with the provision of this chapter for permits and inspections.

MECHANICAL MASTER LICENSE

No person shall engage in the business of installing, altering, repairing, replacing, or remodeling any mechanical system regulated by this code for which a permit is required within the City and its two (2) mile jurisdiction without first having filled out an application form and passing examination. The examination to determine the applicant's qualifications shall be based upon his general training and experience in the trade including fundamental knowledge of mechanical systems for heating, cooling, and refrigeration, general knowledge of the Uniform Mechanical Code.

Applicant must be a licensed Mechanical Tradesman with not less than five (5) years of full-time employment before taking a Mechanical Master's test or furnish satisfactory evidence of an equivalent combination of training and experience.

Examinations shall be given the last Friday of the month and applications shall be received by the Inspection Department ten (10) working days prior to said examination date. If applicant passes examination they are then eligible for a Mechanical Master license upon fulfillment of all other licensing requirements. Any applicant for license who fails a required written examination shall not be eligible for re-examination for a period of two (2) months. If applicant does not pass the examination, they are eligible to appeal to the Building Code Advisory and Appeals Board.

Before any Mechanical Master's license shall be issued, he shall execute and file with the City a certificate of liability with the City named as additional insured in the sum of One Million Dollars (\$1,000,000) The certificate shall remain in place as long as the applicant maintains a license and the certificate shall state that the applicant shall indemnify and hold harmless the City, and shall indemnify any person from all damages caused by any neglect arising from a failure to protect any of his work or any unskilled or inadequate work done and that such applicant shall be governed by the rules and requirements provided by this code and which may be hereafter adopted by the City. Such policy of insurance shall provide that it cannot be cancelled until ten (10) days written notice of such cancellation has been filed with the City Clerk. Cancellation or termination of any insurance policy issued for or in compliance with the provisions hereof shall automatically terminate any license, unless another policy complying with the provisions hereof shall be provided and in full force and effect at the time such cancellation or termination becomes effective.

All Mechanical Masters shall pay to the City a license fee of Seventy Five Dollars (\$75.00) and shall pay any fines imposed upon them for any violations of the 2012 Uniform Mechanical Code or ordinances applicable to them. The licensing period for Mechanical Master's is April 1st to March 31st. The license fee shall not be prorated. The full license fee for any license issued pursuant to the code, no matter when the license was issued, is not refundable. If a license is not renewed within six (6) months after expiration of same and the holder wishes to reinstate his license, he must comply with the same procedure set forth for obtaining a mechanical license.

Permits shall be paid for when issued or billed. The amount paid shall be credited toward the cost of inspections. Failure to pay for outstanding permits and charges within thirty (30) days of billing date shall result in automatic suspension of applicable license and failure to pay permits and charges in sixty (60) days will amount to automatic revocation of the license.

MASTER STEAM FITTER'S LICENSE

Any person engaging in the business of installing, repairing, replacing or fitting of any hot water and steam boiler shall have a Mechanical Master's license or a Master Steamfitter's license. The City of Fremont reciprocates with the City of Omaha, Nebraska. Said license shall become null and void if the licensee loses his Master Steamfitter's license from Omaha.

Before any Mechanical Steamfitter license shall be issued, he shall execute and file with the City a certificate of liability with the City named as additional insured in the sum of One Million Dollars (\$1,000,000). The certificate shall remain in place as long as the applicant maintains a license and the certificate shall state that the applicant shall indemnify and hold harmless the City, and shall indemnify any person from all damages caused by any neglect arising from a failure to protect any of his work or any unskilled or inadequate work done and that such applicant shall be governed by the rules and requirements provided by this code and which may be hereafter adopted by the City. Such policy of insurance shall provide that it cannot be cancelled until ten (10) days written notice of such cancellation has been filed with the City Clerk. Cancellation or termination of any insurance policy issued for or in compliance with the provisions hereof shall automatically terminate any license, unless another policy complying with the provisions hereof shall be provided and in full force and effect at the time such cancellation or termination becomes effective.

All Master Steamfitter's shall pay to the City a license fee of Seventy Five Dollars (\$75.00) and shall pay any fines imposed upon them for any violations of the 2012 Uniform Mechanical Code or ordinances applicable to them. The licensing period for Master Steamfitter's is April 1st to March 31st. The license fee shall not be prorated. The full license fee for any license issued pursuant to the code, no matter when the license was issued, is not refundable. If a license is not renewed within six (6) months after expiration of same and the holder wishes to reinstate his license, he must comply with the same procedure set forth for obtaining a Steamfitter license.

Permits shall be paid for when issued or billed. The amount paid shall be credited toward the cost of inspections. Failure to pay for outstanding permits and charges within thirty (30) days of billing date shall result in automatic suspension of applicable license and failure to pay permits and charges in sixty (60) days will amount to automatic revocation of the license.

MECHANICAL TRADESMAN LICENSE

No person shall install, manufacture, replace, repair, or fit any mechanical system regulated by this code for which a permit is required within the City and its two (2) mile jurisdiction without first having filled out an application form and passing examination. The examination to determine the applicant's qualifications shall be based upon his general training and experience in the trade including fundamental knowledge of mechanical systems for heating, cooling, and refrigeration, general knowledge of the Uniform Mechanical Code.

Applicant must be a licensed Mechanical Apprentice with not less than three (3) years of full-time employment before taking a Mechanical Tradesman test or furnish satisfactory evidence of an equivalent combination of training and experience.

Examinations shall be given the last Friday of the month and applications shall be received by the Inspection Department ten (10) working days prior to said examination date. If applicant passes examination they are then eligible for a Mechanical Tradesman license upon fulfillment of all other licensing requirements. Any applicant for license who fails a required written examination shall not be eligible for re-examination for a period of two (2) months. If applicant does not pass the examination, they are eligible to appeal to the Building Code Advisory and Appeals Board.

All Mechanical Tradesmen shall pay to the City a license fee of Fifteen Dollars (\$15.00). The licensing period for Mechanical Tradesmen is April 1st to March 31st. The license fee shall not be prorated. The full license fee for any license issued pursuant to the code, no matter when the license was issued, is not refundable. If a license is not renewed within six (6) months after expiration of same and the holder wishes to reinstate his license, he must comply with the same procedure set forth for obtaining a mechanical license.

JOURNEYMAN STEAMFITTER/PIPEFITTER LICENSE

Any person engaging in the business of installing, repairing, replacing or fitting of any hot water and steam boiler shall have a Journeyman Steamfitter/Pipefitter license or a Mechanical Tradesman. The City of Fremont reciprocates with the City of Omaha, Nebraska. Said license shall become null and void if the licensee loses his Journeyman Steamfitter/Pipefitter's license from Omaha.

All Journeyman Steamfitter/Pipefitter shall pay to the City a license fee of Fifteen Dollars (\$15.00). The licensing period for Journeyman Steamfitter/Pipefitter is April 1st to March 31st. The license fee shall not be prorated. The full license fee for any license issued pursuant to the code, no matter when the license was issued, is not refundable.

MECHANICAL APPRENTICE LICENSE

No Mechanical Apprentice shall be permitted to work at the installation, alteration, repair or removal of any heating, air conditioning, refrigeration, or other related mechanical work, except under the personal supervision and direction and in the presence of a duly licensed Mechanical Tradesman or Mechanical Master.

All Mechanical Apprentices, after having served three (3) years at the trade, or equivalent training, may apply for license hereunder and take the required Mechanical Tradesman examination.

All Mechanical Apprentices shall pay to the City a license fee of Five Dollars (\$5.00). The licensing period for Mechanical Apprentice is April 1st to March 31st. The license fee shall not be prorated. The full license fee for any license issued pursuant to the code, no matter when the license was issued, is not refundable.

THE BUILDING CODE ADVISORY AND APPEALS BOARD - DUTIES AND POWERS

The Building Code Advisory and Appeals Board shall have the following duties and powers subject to approval of the Mayor and City Council:

- a) To establish and maintain minimum licensing standards.
- b) To establish license examination procedures.
- c) To establish administrative procedures for hearing grievances for license revocation.
- d) To review and make recommendations concerning protested license applications.

e) To review and make recommendations on grievances for license revocations.

f) The City Council may adopt reasonable rules and regulations for the implementation of the powers and authority of the Building Code Advisory and Appeals Board granted by this ordinance.

LICENSE DENIAL - APPEAL

If applicant fails examination they shall be notified in writing.

1. The applicant may, within ten (10) calendar days of receipt of written notice of failure, file a written protest with the Board.

2. The Board shall set a time and place for hearing not less than ten (10) calendar days from receipt of written protest at which hearing the Board shall show cause why the applicant's license should not be approved. Notice of the hearing shall be given to the City of Fremont Inspection Department and the applicant.

3. The Board shall hear the protest and shall, in writing, recommend approval or disapproval.

4. The Board shall file their written recommendations with the City Clerk, who shall cause the application, together with the written recommendations of the Board, to be presented to the Mayor and City Council for hearing at the next regular meeting of the City Council.

5. The City Clerk shall give the applicant and the Inspection Department notice of the time and place of such hearing before the City Council.

The City Council shall take such action on the applicant as will result in a final order from which the applicant may appeal in the manner provided by law.

LICENSE - REVOCATION AND APPEAL

The Inspection Department or any person may file with the City Clerk for the revocation of any license issued pursuant to this ordinance.

Any person licensed as provided by this chapter who commences work without a proper permit shall be guilty of a violation of the code, after a second offense within two years, of this or any other provision provided in this code, his license shall be revoked.

The City Clerk shall serve notice of said grievance upon the Building Code Advisory and Appeals Board and upon the licensee by mailing a copy thereof - certified mail; return receipt requested.

The Board shall set a time and place for hearing not less than twenty-one (21) calendar days from service upon him of said grievance, at which hearing, the Board shall consider the grievance for license revocation. The Board shall consider the record made as a whole and shall make written recommendations to the City Council on the grievance for license revocation. Said written recommendations shall be filed with the City Clerk who shall cause the grievance and written recommendations to be presented for hearing before the City Council at its next regular meeting.

The City Council shall take such action on the grievance for revocation as will result in a final order from which order appeal may be taken to the District Court in the manner provided by law.

SECTION V. VIOLATION. Any person or persons violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, be fined in any sum not to exceed One Thousand Dollars (\$1,000.00) or imprisonment of not more than three (3) months, or by both such fine and


imprisonment for each violation. Each day that a violation of this code continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty provided for in this section shall be cumulative and in addition to any other penalty provided for in this code or other ordinances.

SECTION VI. EFFECTIVE DATE. That Ordinance No. 5231, and all other ordinances in conflict thereof are hereby repealed. This ordinance shall take effect and be in full force from and after its passage, approval, and publication, as required by law. This ordinance shall be published in pamphlet form and distributed as a City ordinance.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2014


SCOTT GETZSCHMAN, MAYOR

ATTEST:


KIMBERLY VOLK, MMC
CITY CLERK

